THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No : 18955 of 2005

Dated: 25-08-2005

Between:

Mr. Kanudla Rami Reddy,

S/o. Narayana Reddy,

Aged about 34 years, Occupation Business,

R/o. Markapur, Prakasam District.

Petitioner…

And

The Comissioner,

Markapur Municipality,

Markapuram, Prakasam District.

Respondent…

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ORDER:

Questioning the action of the respondent, Commissioner, in attempting with his men and machinery, to demolish the shed in Ward No.3 of Markapur of the petitioner without following due procedure of law, where he has been running wine business, the present writ petition is filed.

The petitioner claims to be the auction purchaser in respect of the privilege of sale of Indian Liquor and Foreign Liquor in Ward No.3 of Markapur Municpality for the lease period from 2005 to 2006. He was awarded license to sell the liquor in the premises bearing ward No.3 in Markapur Municipality. In pursuance of the same, he started wine business in pucca tin shed belonging to

one Syed Allahuddin in the 3rd ward of the said municipality.

The grievance of the petitioner is that without assigning any reason and without there being any proposal to widen the road, the respondent is threatening him to demolish the said shed. The petitioner states that the respondent is interfering with his business with *mala fide* intention. Hence, the petitioner has come up with the present writ petition.

Heard the learned counsel on either side and perused the material on record.

Having considered the facts and circumstances of the case, without going into the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondent, Commissioner, not to dispossess or interfere with the business of the petitioner where he is running liquor business i.e., in tin shed in Ward No.3 of Markapur, Prakasam District, without following the due process of law.

The Writ Petition is accordingly disposed of at the stage of admission. No order as to costs.

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ELIPE DHARMA RAO, J

Dated: 25-08-2005

LSK/DSK